



TOWN OF TYNGSBOROUGH

Office of the Board of Selectmen

25 Bryant Lane

Tyngsborough, MA 01879

Tel: 978 649-2300 Ext. 100 Fax: 978 649-2320

APPROVE

Board of Selectmen Meeting Minutes

Monday, July 11, 2011 at 5:30 P.M.

Community Room, Town Offices, 25 Bryant Lane

Members Present: Selectman Rick Reault, Selectman Robert Jackson, Selectwoman Elizabeth Coughlin, Selectman Allen Curseaden, Selectman Corliss Lambert

Staff Present: Michael Gilleberto Admin Assistant Therese Gay – entered the meeting at 7:40 PM

The listing of matters are those reasonable anticipated by the Chairman which may be discussed at the meeting. Not all items listed may in fact be discussed, and other items not listed may also be brought up for discussion to the extent permitted by law.

1. 5:30 PM Open Meeting

Members Present: Selectman Rick Reault, Selectman Robert Jackson, Selectwoman Elizabeth Coughlin, Selectman Corliss Lambert

Selectman Absent: Selectman Allen Curseaden and Admin Assistant Therese Gay

Staff Present: Michael Gilleberto

The Board met in the Selectmen's Conference Room. The Board voted 4-0 on a motion by Selectman Jackson, second by Selectman Lambert to open the meeting.

2. Executive Session

The board may move to go into executive session to discuss strategy with respect to collective bargaining, litigation, or exempt negotiations if an open meeting may have a detrimental effect on such subject matters. The Board voted on a motion by Selectman Jackson, second by Selectman Lambert to enter into Executive Session to discuss strategy with respect to collective bargaining, as an open meeting may have a detrimental effect on such subject matters and to return to open session only to adjourn. Roll Call Vote: Selectman Lambert, yes; Selectwoman Coughlin, yes; Selectman Jackson, yes; Selectman Reault, yes. The Board entered into executive session at 5:35 P.M.

- Collective Bargaining
- Litigation

The Board voted 4-0 on a motion by Selectman Jackson, second by Selectman Lambert to exit Executive Session and to return to open session. Roll Call Vote: Selectman Lambert, yes; Selectwoman Coughlin, yes; Selectman Jackson, yes; Selectman Reault, yes. The Board exited executive session at 6:55 P.M.

3. 7:00 PM Reconvene Meeting and Pledge of Allegiance

The Board reconvened into open session, the Board was introduced, and pledged allegiance to the flag, and the agenda was read.

4. Old Business

- 7:05 Alcoholic Beverages License Hearing (continued from June 27, 2011)
 - Alteration of Premise – Maxamillians - 315 Middlesex Road

The Board voted 5-0 on a motion by Selectman Jackson, second by Selectman Curseaden to open the hearing. The hearing was continued from June 27, 2011. The Clerk read the legal notice as published in the local publication. The Board voted 5-0 on a motion by Selectman Curseaden, second by Selectman Lambert to waive the reading of the abutters. Discussion on notification of abutters; a member asks whether or not the day care, Amazing Minds, was notified of the hearing.

The abutter notification is sent to the owners of business and homeowners, if a business leases a space it may not receive a notification; the landlord should notify its lessees of any changes. The Board did receive an e-mail from the Inspector at the ABCC and from Town Counsel on the subject. The Chair invited the petitioners to come forward introduce themselves and to present their request. Attorney Nicosia, representing Mr. Stanbury manager of Maxamillian's presented Mr. Stanbury's request to add an outdoor patio to the front of his establishment to offer outdoor dining and to serve alcoholic beverages. Two abutters came forward to voice their support and opposition to the proposal of an outdoor patio. Atty. Nicosia stated that his client is a good neighbor and makes sure that there isn't any excessive noise from the establishment; there hasn't been any complaint from neighboring abutters. Mr. Wickens has expressed his support for the proposal. Mrs. Martinage is in opposition of the proposal, she has asked about the timing of the notification to abutters. She felt that it did not give enough time for the abutters to make arrangements to attend. There was a question about the proximity to the Day Care. Mrs. Martinage is concerned about any excessive noise from the outdoor patrons and the traffic that the outdoor patio will generate. The Board assured the abutter that Maxamillian's is a good business and that Mr. Stanbury is a good neighbor and will closely monitor the outdoor dining for any excessive noise; if abutters have any complaints are asked to forward them to the Board. The Board voted 5-0 on a motion by Selectman Jackson, second by Selectman Curseaden to close the hearing. The Board voted 5-0 on a motion by Selectwoman Coughlin, second by Selectman Jackson to approve the request to alter the licensed premises at Maxamillian's to include the outdoor patio where food and alcohol will be served to patrons.

- **S and R Construction Request to use Town Center Parking Lot**

Mr. Friveau attended the meeting to answer any questions the Board had with the request to move the S&R's staging area to the Middlesex Road site. The Board has previously voted option 1 but a problem arose when the request for a pole and electric wires was received by nation grid. They do not want to run wires over private property. A second plan was presented for discussion; the plan was to set up to keep the office trailer out of site of the homes and to keep the center looking clean. The Board has accepted and voted on a plan and that if the plan is to be changed the Board would need to vote on it. Selectman Curseaden made a motion to amend the original vote and to consider an new proposal submitted, second by Selectman Jackson for discussion. The Board supports option 1, the Conservation Commission had not issues with option 1 the Board is not in favor of moving the office trailer to the east side. The discussion continued on the number of poles that will be needed and where they will be placed. S&R must move their office soon. Selectman Curseaden withdraws his motion and the Board will expedite the request.

5. New Business

- **Selectmen's Yearly Appointments**

The Board is waiting on some of the letter of interest to come in and asked that anyone would like to volunteer on some of the committee to please contact the office. The Board will do the appointment of the Dunstable Officers and the Groton Officers this evening and will continue the at their next schedule meeting. The officers are appointed as Special Officers to assist the town when needed. The Board voted 5-0 on a motion by Selectman Jackson, second by Selectman Curseaden to appoint the list of officers as submitted by the Dunstable Police Chief, to appoint as Special Police Officers in Tyngsborough, as read by the Clerk.

Dunstable Officers **Appointed July 11, 2011**

James G. Downes, III, Police Chief	George Aggott
James W. Dow, Lieutenant	Sean Ready
Darrell Gilmore, Sergeant	Nicholas Papageorgiou
James G. Downes, Jr.	Daniel Kowalski
Michael Lynn	John Koyutis
Erik Hoar	Michael Tedesco
Gregg Sanborn	

The Board voted 5-0 on a motion by Selectman Jackson, second by Selectman Curseaden to appoint the list of officers as submitted by the Groton Police Chief, to appoint as Special Police Officers in Tyngsborough, as read by the Clerk.

Groton Officers

Appointed July 11, 2011

Chief Donald L. Palma, Jr.	R.O. George R. Aggott
Lt. James A. Cullen, III	R. O. Edward Bushnoe
Sgt. Derrick J. Gemos	R. O. Stephen McAndrew
Sgt. Jeffrey M. Gigliotti	R. O. Ryan Fogarty
Sgt. Paul R. Connell	R. O. Rachel Robinson
Detective Edward P. Sheridan, Sr.	R. O. Bethany Evans
Ptl. Nicholas C. Beltz	
Ptl. Robert L. Breault	Ptl. Kevin T. Henehan
Ptl. Peter S. Breslin	Ptl. Rachel E. Mead
Ptl. Gordon A. Candow	Ptl. Irmin L. Pierce, III
Ptl. Richard C. Elie	Ptl. Dale P. Rose
Ptl. Jason M. Goodwin	Ptl. Cory E. Waite

• **YMCA Before/After School Program at Recreation Center**

Mr. Kevin representing the YMCA provided some information on their intention to lease the Recreation Building for use as a before and after school programs and as a summer camp. They have approached the Recreation Department; they will submit more information and will return to speak to the Board at a later date.

6. Citizen/Business Time

Citizens or business owners may contact the Office of the Selectmen to request to address the Selectmen during citizen/business time. Citizens or business owners who have not contacted the Office of the Selectmen in advance may address the Board of Selectmen on matters of interest to the public for not more than five (5) minutes.

Mr. and Mrs. Beauchesne from 5 Woodlawn Street have come to the meeting to ask the Board for help to stop the flooding of their property during heavy rains. For the past few years during the heavy rains the road would flood and would also flood their property, the drainage in the street cannot hold all of the water run-off. The Board thanked Mr. and Mrs. Beauchesne for coming in and they will look into the situation and will keep them informed. The Chairman with the Highway Director will visit the site.

7. Pending Meeting Minutes

• **Regular Session**

◦ **Monday June 13, 2011**

The Board after reviewing the minutes, the board voted 4-0-1 on a motion by Selectman Jackson, second by Selectman Lambert to approve the minutes of Monday June 13, 2011.

◦ **Monday June 27, 2011**

Deferred to the next meeting

• **Executive Session**

◦ **Monday June 13, 2011**

The Board after reviewing the minutes, the Board voted 4-0-1 on a motion by Selectman Jackson, second by Selectman Lambert to approve but not released the executive session minutes of Monday June 13, 2011. Selectman Curseaden abstains from voting.

◦ **Monday June 27, 2011**

The Board after reviewing the minutes, the Board voted 4-0-1 on a motion by Selectman Jackson, second by Selectman Lambert to approve but not released the executive session minutes of Monday June 13, 2011. Selectman Curseaden abstains from voting.

◦ **Tuesday, July 5, 2011**

Deferred to the next meeting

8. Correspondence

A list of correspondence will be included with approved meeting minutes per the requirements of the Massachusetts Open Meeting Law and may be posted online at www.tyngsboroughma.gov. Copies of correspondence may be requested from the Office of the Board of Selectmen.

The Board voted 5-0 on a motion by Selectwoman Coughlin, second by Selectman Jackson to accept the correspondence as read.

9. Selectmen's Reports

- Selectman Coughlin – Energy and Environmental Affairs/Licenses/Insp/Utilities

Selectwoman Coughlin updated the projects from EEAC. Photovoltaic – a consultant has approved 10 sites and will receive the report to be reviewed by Town Counsel. The FERC comment period on the Environmental Study Assessment Report was discussed; the consultant for the Frost Road Park reviewed the report. The Board voted 5-0 on a motion by Selectwoman Coughlin to submit a letter of support to protect the 5th Congressional District a letter will be submitted this evening. Selectman Lambert thanked Selectwoman Coughlin and the Administrator for the info to protect the 5th district.

- Selectman Reault – Northern Middlesex Council of Government – no report this evening.
- Selectman Jackson – Insurance Committee/Meeting Minute Status – No report this evening.
- Selectman Curseaden – No report this evening
- Selectman Lambert - No report this evening.

10. Town Administrator's Reports

The Administrator discussed briefly the MEMA letter on mutual aid. The Board voted 5-0 on a motion by Selectman Curseaden, second by Selectwoman Coughlin to approve the Chairman to execute the agreement for the Board and the Town. Selectman Curseaden informed the Board that the Sewer Dept is already participating.

11. Adjournment

The Board voted 5-0 on a motion by Selectman Jackson, second by Selectman Curseaden to adjourn the meeting. The meeting adjourned at 9:10 PM.

Respectfully submitted

Therese Gay
Admin Assistant

Approved on Monday July 25, 2011



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- **YMCA Before/After School Program at Recreation Center**

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7. Pending Meeting Minutes

- **Regular Session**
 - **Monday June 13, 2011**
 - **Monday June 27, 2011**
- **Executive Session**
 - **Monday June 13, 2011**
 - **Monday June 27, 2011**
 - **Tuesday, July 5, 2011**

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- Selectman Reault - Northern Middlesex Council Of Government
- Selectman Jackson - Insurance Committee/Meeting Minute Status
- Selectman Curseaden -
- Selectman Lambert -

10. Town Administrator's Reports

- Response to Selectmen's Requests
- Budget
- Departmental Information
- Contracting/Procurement
- Other

11. Executive Session

The board may move to go into executive session to discuss strategy with respect to collective bargaining, litigation, or exempt negotiations if an open meeting may have a detrimental effect on such subject matters.

- Collective Bargaining
- Litigation

12. Adjournment

Future Meetings

Selectmen's Meeting, Monday, July 25, 2011 at 6:00 PM at the Town Offices

Selectmen's Meeting, Monday, August 8, 2011 at 6:00 PM at the Town Offices

Selectmen's Meeting, Monday, August 29, 2011 at 6:00 PM at the Town Offices

*****Town Offices and Non-Emergency Services Closed Monday, September 5, 2011 in Observance of Labor Day*****

Selectmen's Meeting, Monday, September 12, 2011 at 6:00 PM at the Town Offices

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